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Cc: "Erin Foresman" [Foresman.Erin@epamail.epa.gov]
From: CN=Tom Hagler/OU=R9/O=USEPA/C=US
Sent: Mon 5/16/2011 11:19:25 PM
Subject: Re: 5 agency group

Yes, all that works.

- I would probably say the NEPA caveat is one that we already gave them in our cooperating agency letter. Hopefully, LF can pull that one up quickly.

- The caveat that we're doing 404 pre-app should probably include at least a short nod to the distinction between the Corps (the actual permitting agency, who will get sued when they have an inadequate EIS) and us (who probably won't). BTW, that will get tricky if Paul is the Corps lead, since he is planning, not regulatory. I would be really clear over and over that we EPA cannot speak for the Corps regulatory.

I would probably leave the plug for an MOU to the end, and point out once again that both HSR and CalTrans have done them.

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From: Karen Schwinn/R9/USEPA/US
To: Tom Hagler/R9/USEPA/US@EPA, "Erin Foresman" <Foresman.Erin@epamail.epa.gov>
Date: 05/16/2011 04:12 PM
Subject: 5 agency group

So if I were to accept Jerry's invitation more formally, what do you think I should say? I was thinking -

Appreciate the opportunity to participate in your weekly mtgs

Epa's roles wrt bdcg are 404 and nepa....

On important and complex projects we try to provide early input on mtg cwa reqts and complying with nepa

We support doing a nepa/404 mou.

Add whatever caveat we typically put in coop ag acceptance ltrs

Other caveat?

Consider this part of our NEPA cooperating agency role and the 404 pre-app process

Other caveats to address worries?